

ASSEMBLY BILL

No. 831

**Introduced by Committee on Education (Goldberg (Chair),
Arambula, Coto, Hancock, Liu, Mullin, and Pavley)**

February 18, 2005

An act to amend Section 49436 of, to amend, repeal, and add Section 52124.5 of, and to repeal Section 32228.6 of, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 831, as introduced, Committee on Education. Education.

(1) The existing School Safety and Violence Prevention Act declares the intent of the Legislature that public schools serving pupils in kindergarten or any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. Existing law requires the Superintendent of Public Instruction to provide funds to school districts serving the specified pupils. Existing law makes the act inoperative on July 1, 2005, and repeals it on January 1, 2006.

This bill would delete the inoperative and repeal dates, extending the operation of the act indefinitely.

(2) Existing law, the Pupil Nutrition, Health, and Achievement Act of 2001, prohibits the sale of certain beverages and food items at elementary, middle, and junior high schools. Existing law requires the State Department of Education to monitor the implementation of that act and report its evaluation to the Legislature by January 1, 2005.

This bill would instead require the department to report its evaluation to the Legislature by May 1, 2005.

(3) Existing law establishes the Class Size Reduction Program, in which participating school districts are provided funding for each class in which the class size is reduced to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive.

Existing law requires the Class Size Reduction Program to be implemented in accordance with a prescribed order of priority based on grade level and, until July 1, 2009, requires the Controller to deduct a specified amount from the next principal apportionment to the school district for each class that the school district failed to reduce to a class size of 20.5 or fewer pupils.

Existing law requires a determination of whether annual average class enrollment exceeds 20.4 for classes for which funding is provided to a school district pursuant to the program, and requires an in-depth review when the auditor finds that average class enrollment exceeds 20.4, as specified.

This bill, instead, until July 1, 2009, would require a determination of whether average class enrollment exceeds 21.8, and would require an in-depth review when the auditor finds that average class enrollment exceeds 21.8, as specified.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32228.6 of the Education Code is
2 repealed.

3 ~~32228.6. This article shall become inoperative on July 1,~~
4 ~~2005, and, as of January 1, 2006, is repealed, unless a later~~
5 ~~enacted statute that is enacted before January 1, 2006, deletes or~~
6 ~~extends the dates on which it becomes inoperative and is~~
7 ~~repealed.~~

8 SEC. 2. Section 49436 of the Education Code is amended to
9 read:

10 49436. (a) ~~The State Department of Education~~ *department*
11 shall monitor the implementation of Sections 49431, 49433,
12 49433.5, 49433.7, and 49433.9 and shall report to the Legislature
13 by ~~January~~ *May* 1, 2005, ~~the department's~~ *its* evaluation of all of
14 the following:

1 (1) The fiscal impact of the policies and standards developed
2 by school districts.

3 (2) The effect of this article upon school districts and pupils,
4 including, ~~but not limited to~~, an assessment of pupil responses
5 and related findings.

6 (3) Recommendations for improvements or additions.

7 (4) The resulting changes in food and beverage sales at
8 schools.

9 ~~(b) The State Department of Education shall report to the~~
10 ~~Legislature by June 1, 2004, regarding the initial implementation~~
11 ~~of Section 49431.~~

12 SEC. 3. Section 52124.5 of the Education Code is amended to
13 read:

14 52124.5. (a) (1) The Controller shall include instructions,
15 appropriate to the enforcement of subdivision (d) of Section
16 52124, in the audit guide required by subdivision (a) of Section
17 14502. These instructions shall include, ~~but not necessarily be~~
18 ~~limited to~~, procedures for determining if the ~~annual~~ average class
19 enrollment exceeds ~~20.4~~ 21.8 for classes for which funding is
20 provided to a school district pursuant to this chapter. The
21 procedures to determine average class enrollment shall include
22 criteria for employing sampling which will satisfy both of the
23 following:

24 (A) The number of classes to be reviewed shall be based on
25 auditor judgment, but the selection of classes shall be done
26 randomly.

27 (B) For each class selected, the sample shall include at least 15
28 days randomly selected from all instructional days which
29 occurred between the first day of instruction and April 15,
30 inclusively, of the school year.

31 (2) (A) If the auditor concludes from the sample, based on his
32 or her professional judgment, that average class size for the
33 sampled classes is more than ~~20.4~~ 21.8 when averaged over a
34 period from the first day of instruction to April 15 of the school
35 year, then the auditor shall conduct a more in-depth review. The
36 in-depth review shall be either of the following:

37 (i) A review of all instructional days for all classes for which a
38 district has requested funding pursuant to Section 52126.

39 (ii) A randomly selected sample of all classes and instructional
40 days of sufficient size and designed in such a manner that the

1 class size for each class, when averaged over the period from the
2 first day of instruction to April 15, that the auditor can conclude
3 that the average daily class size does not exceed ~~20~~ 21.8 with an
4 error of no more than 0.4 rate at 95 percent degree of confidence.

5 (B) The school district shall make the determination as to
6 which of the two in-depth review methods set forth in
7 subparagraph (A) shall be used.

8 ~~(b) The results of the audits conducted for the 1996-97 and~~
9 ~~1997-98 school years shall be reported by the Superintendent of~~
10 ~~Public Instruction to the Legislature and the Department of~~
11 ~~Finance no later than February 1 of the fiscal year subsequent to~~
12 ~~the audit.~~

13 *(b) This section shall become inoperative on July 1, 2009, and,*
14 *as of January 1, 2010, is repealed, unless a later enacted statute,*
15 *that becomes operative on or before January 1, 2010, deletes or*
16 *extends the dates on which it becomes inoperative and is*
17 *repealed.*

18 SEC. 4. Section 52124.5 is added to the Education Code, to
19 read:

20 52124.5. (a) (1) The Controller shall include instructions,
21 appropriate to the enforcement of subdivision (d) of Section
22 52124, in the audit guide required by subdivision (a) of Section
23 14502. These instructions shall include procedures for
24 determining if the average class enrollment exceeds 20.4 for
25 classes for which funding is provided to a school district pursuant
26 to this chapter. The procedures to determine average class
27 enrollment shall include criteria for employing sampling which
28 will satisfy both of the following:

29 (A) The number of classes to be reviewed shall be based on
30 auditor judgment, but the selection of classes shall be done
31 randomly.

32 (B) For each class selected, the sample shall include at least 15
33 days randomly selected from all instructional days which
34 occurred between the first day of instruction and April 15,
35 inclusively, of the school year.

36 (2) (A) If the auditor concludes from the sample, based on his
37 or her professional judgment, that average class size for the
38 sampled classes is more than 20.4 when averaged over a period
39 from the first day of instruction to April 15 of the school year,

1 then the auditor shall conduct a more in-depth review. The
2 in-depth review shall be either of the following:

3 (i) A review of all instructional days for all classes for which a
4 district has requested funding pursuant to Section 52126.

5 (ii) A randomly selected sample of all classes and instructional
6 days of sufficient size and designed in such a manner that the
7 class size for each class, when averaged over the period from the
8 first day of instruction to April 15, that the auditor can conclude
9 that the average daily class size does not exceed 20 with an error
10 of no more than 0.4 rate at 95 percent degree of confidence.

11 (B) The school district shall make the determination as to
12 which of the two in-depth review methods set forth in
13 subparagraph (A) shall be used.

14 (b) This section shall become operative on July 1, 2009.

15 SEC. 5. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety
17 within the meaning of Article IV of the Constitution and shall go
18 into immediate effect. The facts constituting the necessity are:

19 In order to ensure that the educational programs affected by
20 this act are properly implemented, it is necessary that this act
21 take effect immediately.